

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CLAUDIA BILDIRICI, on behalf of minor child,  
LOTTIE BILDIRICI,

Plaintiff,

Affirmation of Attorney in Reply  
to an Order to Show Cause

-against-

08 Civ. 3769 (LAK)

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

-----X

AFFIRMATION OF ANTON PAPAKHIN

1. Anton Papakhin, an attorney duly licensed to practice law before this Court, affirms under the penalty of perjury that the following is true and correct:

That I am associated with the attorneys for the plaintiff herein and am familiar with the facts and circumstances herein, except as to those alleged upon information and belief, and as to those I verily believe them to be true.

2. That I make this Affirmation in Reply to this Honorable Court's instant Order to Show Cause why an order should not be entered requiring that the complaint and the caption be amended so as to set forth the names of all the parties in accordance with Fed. R. Civ. P. 10(a).

3. On May 5, 2008, in the interests of judicial economy and in accordance with this Court's prior decision in, S.R. and M.C. on behalf of M.C., et al v. Board of Education of the City School District of the City of New York, 49 IDELP 255, 108 LRP 14976, (SDNY 2008), the office of the undersigned has filed with this court an Amended Complaint setting forth names of all the parties in

accordance with Fed. R. Civ. P. 10(a). True and accurate copy of the Amended Complaint attached hereto as **Exhibit "A."**

Dated: Brooklyn, New York  
May 6, 2008

Respectfully submitted,

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Tikhomirov & Roytblat, PLLC  
By: Anton Papakhin (AP 4680)  
Attorney for Plaintiffs  
1400 Avenue Z- Suite 403  
Brooklyn, NY 11235  
Tel:(718) 376-9500  
(917) 270-1403  
Fax:(718) 676-5649

**CERTIFICATE OF SERVICE**

I, the undersigned attorney of record for the Plaintiff in the above referenced cause, do hereby certify that I have this day served a true and complete copy of the foregoing Affirmation in Reply to Order to Show Cause by personal service, upon the following:

CORPORATION COUNSEL  
OF THE CITY OF NEW YORK  
100 CHURCH STREET  
NEW YORK, NEW YORK 10007

Certified this the 6<sup>th</sup> day of May, 2008.

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Anton Papakhin (AP 4680)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In the Matter of CLAUDIA BILDIRICI, on  
behalf of minor child, LOTTIE BILDIRICI,  
**Plaintiffs,**

v.

THE BOARD OF EDUCATION OF THE  
CITY SCHOOL DISTRICT IF THE CITY OF  
NEW YORK (d/b/a The department of  
Education of the City School District of the  
City of New York),

**Defendant(s).**

**SUMMONS IN A CIVIL ACTION**

CASE NUMBER: 08 CV 3967

2008  
MAY 5 AM 10:41  
TH

TO: NYC Department of Education  
52 Chambers Street  
New York, New York 10007

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFFS' ATTORNEYS

Tikhomirov & Roytblat, PLLC  
Anton Papakhin, Esq.  
1400 Avenue Z – Suite 403  
Brooklyn, NY 11235  
Tel: (917) 270-1403  
          (718) 376-9500  
Fax:(917) 270-1403

an answer to the complaint which is hereby served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

*J. Michael McMahon*  
(By) DEPUTY CLERK

MAY 05 2008

DATE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**CLAUDIA BILDIRICI, on behalf of minor child,  
LOTTIE BILDIRICI,**

**Plaintiffs,**

-against-

**THE BOARD OF EDUCATION OF THE  
CITY SCHOOL DISTRICT OF THE  
CITY OF NEW YORK (d/b/a The Department  
of Education of the City School District of  
the City of New York)**

**Defendant(s).**

Docket No. 08-CV-3967  
AMENDED COMPLAINT



1. This is an action to recover attorney's fees and costs incurred in the course of administrative proceedings brought pursuant to the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1415 *et seq.*
2. Plaintiff is the biological parent of Lottie Bildirici, a child with a disability as defined by the IDEA.
3. The Board of Education of the City School District of the City of New York ("Defendant"), which now identifies itself as the New York City Department of Education, was, at all times relevant to this action, responsible for providing Lottie Bildirici with a free, appropriate, public education ("FAPE") pursuant to 20 USC §1400(d)(1)(A).
4. Defendant's principal administrative offices are located at 52 Chambers Street, New York, New York 10007.

STATE OF NEW YORK )

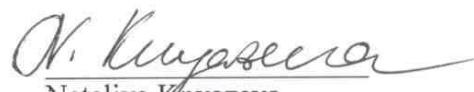
COUNTY OF KINGS) SS.:

Nataliya Knyazeva, duly sworn deposes and says that deponent is not a party to the action, is over 18 years of age and resides at 1400 Avenue Z, Ste. 403, Brooklyn, NY 11235.

On May 5, 2008 deponent personally served the within **SUMMONS AND AMMENDED COMPLAINT** upon:

THE CITY OF NEW YORK  
100 Church Street  
New York, New York 10007

this being the address designated by said party for that purpose, by personal service.



Nataliya Knyazeva

Sworn to before me this  
5<sup>th</sup> day of May, 2007



NOTARY PUBLIC  
Alexander Roytblat  
Notary Public, State of New York  
No. 02R06171336  
Qualified In Kings County  
Expires on 07/23/2011